



PATENT
CUSTOMER NO: 32425

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:
Timothy A. McKinsey *et al.*

Serial No.: 10/848,820

Filed: May 19, 2004

For: INHIBITION OF PROTEIN KINASE C-
MU (PKD) AS A TREATMENT FOR
CARDIAC HYPERTROPHY AND
HEART FAILURE

Group Art Unit: 1614

Examiner: Unknown

Atty. Dkt. No.: MYOG:044US

ELECTION UNDER 37 C.F.R. §§ 3.71 AND 3.73
AND POWER OF ATTORNEY

Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

Sir:

The undersigned, being an Assignee of record of an interest in the above-identified application by virtue of an assignment recorded in the United States Patent and Trademark Office as set forth below, hereby elects, under 37 C.F.R. § 3.71, to prosecute the application to the exclusion of the inventors.

The Assignee hereby revokes any previous Powers of Attorney and appoints all attorneys or agents associated with Customer Number 32425, each of whom is an attorney or agent with the firm of FULBRIGHT & JAWORSKI L.L.P., as its attorney or agent, for so long as they remain with such firm, with full power of substitution and revocation, to prosecute the application, to make alterations and amendments therein, to transact all business in the Patent and Trademark Office in connection therewith, and to receive any Letters Patent.

Pursuant to 37 C.F.R. § 3.73, the undersigned has reviewed the evidentiary documents, specifically the Assignment to Myogen, Inc., referenced below, and certifies that to the best of my knowledge and belief, title remains in the name of the Assignee.

Please direct all communications as follows:

Steven L. Highlander
FULBRIGHT & JAWORSKI L.L.P.
600 Congress Avenue, Suite 2400
Austin, Texas 78701
(512) 474-5201

ASSIGNEE:
Myogen, Inc.

By: Richard J. Gorczynski
Name: Richard Gorczynski
Title: Senior VP R&D
Date: 1/3/05

ASSIGNMENT:

- ☒ Concurrently filed
☐ Previously recorded

Date: _____
Reel: _____
Frames: _____

ASSIGNMENT

FOR GOOD AND VALUABLE CONSIDERATION, the receipt, sufficiency and adequacy of which are hereby acknowledged, the undersigned, does hereby:

SELL, ASSIGN AND TRANSFER to Myogen, Inc. (the "Assignee"), having a place of business at 7575 West 103rd Avenue, Suite 102, Westminster, CO 80021-5426, his entire right, title and interest for the United States and all foreign countries in and to any and all improvements which are disclosed in the application for United States Letters Patent, Serial No. 10/848,820 which has been filed on May 19, 2004 and is entitled **"INHIBITION OF PROTEIN KINASE C-MU (PKD) AS A TREATMENT FOR CARDIAC HYPERTROPHY AND HEART FAILURE"**, such application and all divisional, continuing, substitute, renewal, reissue and all other applications for patent which have been or shall be filed in the United States and all foreign countries on any of such improvements; all original and reissued patents which have been or shall be issued in the United States and all foreign countries on such improvements; and specifically including the right to file foreign applications under the provisions of any convention or treaty and claim priority based on such application in the United States;

AUTHORIZE AND REQUEST the issuing authority to issue any and all United States and foreign patents granted on such improvements to the Assignee;

WARRANT AND COVENANT that no assignment, grant, mortgage, license or other agreement affecting the rights and property herein conveyed has been or will be made to others by the undersigned, and that the full right to convey the same as herein expressed is possessed by the undersigned;

COVENANT, when requested and at the expense of the Assignee, to carry out in good faith the intent and purpose of this assignment, the undersigned will execute all divisional, continuing, substitute, renewal, reissue, and all other patent applications on any and all such improvements; execute all rightful oaths, declarations, assignments, powers of attorney and other papers; communicate to the Assignee all facts known to the undersigned relating to such improvements and the history thereof; and generally do everything possible which the Assignee shall consider desirable for vesting title to such improvements in the Assignee, and for securing, maintaining and enforcing proper patent protection for such improvements;

TO BE BINDING on the heirs, assigns, representatives and successors of the undersigned and extend to the successors, assigns and nominees of the Assignee.

Signature: [Signature]
Name: Timothy A. McKinsey

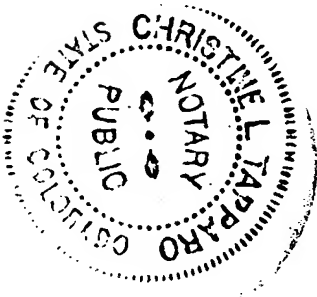
Date: 12-3-04

STATE OF Nevada)
COUNTY OF Jefferson) ss.

BEFORE ME, the undersigned authority, on this 3rd day of December, 2004 personally appeared Timothy A. McKinsey, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he/she executed the same of his/her own free will for the purposes and consideration therein expressed.

[Signature]
Notary or Consular Officer

[SEAL]



My Commission Expires
July 28, 2007

FULBRIGHT & JAWORSKI L.L.P.
600 Congress Avenue, Suite 2400
Austin, Texas 78701